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VASQUEZ BOULEVARD/INTERSTATE-70 PUBLIC MEETING

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June 21, 2003

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11 Held at Harrington Elementary School, 2401 East  
37th Avenue, Denver, Colorado 80205-3513, at  
12 10:24 a.m., before Chandra L. Reid, Professional  
Reporter and Notary Public within Colorado.

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ORIGINAL

1                   WHEREUPON, the following proceedings  
2   were taken:

3                   MS. KELLEN: Good morning. I hear  
4   the crowd is kind of settling in, which is a  
5   good indication that it's time to start.  
6   Welcome. Good morning. It's very nice to see  
7   so many people here this morning, to come out  
8   and tell us what you think about the new  
9   proposed plan for the Vasquez  
10   Boulevard/Interstate-70, Superfund site.

11                  My name is Karen Kellan. I work for  
12   the Environmental Protection Agency and the  
13   Environmental Justice Group. And I'm going to  
14   be your mistress of ceremonies this morning. So  
15   I would like to start out with just a few  
16   introductions of some of the people in the room  
17   that have been active in this process, so that  
18   you know who to target during the break and  
19   after the meeting, if you have some additional  
20   questions.

21                  I will start out with some EPA  
22   folks. We have over here on this side Victor  
23   Ketallapper, who is the new project manager for  
24   the site. He's the man with most of the  
25   answers. We also have two people from our

1 community involvement group. Next to Victor  
2 over there is Pat Courtney, and on the other  
3 side of the room is Jennifer Chergo.

4 In addition to the EPA, we have  
5 Wendy O'Brien, a toxicologist, right in the back  
6 there, who has lots of answers to those tricky  
7 scientific questions if you have them. And  
8 we're doing a game today, it's stump the  
9 toxicologist, so let's see if we can come up  
10 with something. Lastly from the EPA, I think,  
11 we have Ken Cotton from the Environmental  
12 Justice Group also in the back.

13 Moving on to another fellow, Chris  
14 Poulet from ATSDR, and if you want to know what  
15 that stands for, you'll have to ask him. From  
16 the State of Colorado we have Barbara O'Grady in  
17 the back. We have Gene Hook from Denver  
18 Department of Environmental Health on the other  
19 side in the back. I think it's odd how these  
20 government types are just hanging around in the  
21 back and standing up. I don't know, it seems a  
22 little suspicious to me.

23 We also have several representatives  
24 from the CEASE group, which is the community  
25 group that has been very involved in this whole

1 process. They have given up their time and  
2 energy to go meeting after meeting for year  
3 after year to give their input and to help us  
4 through this process. And I've seen three  
5 people from the group here so far, so I'm going  
6 to introduce them, and if there's anyone else I  
7 missed, just let me know. We have Anthony  
8 Thomas, who is sitting here; Joan Hooker, who is  
9 in the row behind him; and Gloria Scherer, who  
10 is right in front of Joan.

11 And then lastly, I'd like to  
12 introduce a group that came in. We have had a  
13 group of youth, from the Clayton Cole Healthy  
14 Children Partnership, who are here -- they have  
15 been doing a lot of training and work to try to  
16 get out there in the community and really make a  
17 difference. And I'm very happy to see them.  
18 And leading up the group is Beverly Lumumba.  
19 Thank you for coming.

20 Okay. That being done, I hope I  
21 didn't miss anyone, if I did, you can yell at me  
22 later. Okay.

23 The reason we're here today -- we're  
24 going to give a quick announcement in Spanish,  
25 in case someone needs some translation.

1 (Announcement in Spanish.)

2 MS. KELLEN: Thank you. And I'm  
3 going to try to slow down. I've been asked to  
4 speak more slowly, and I know when I first get  
5 started I tend to really go fast.

6 We are here today, to hear from you,  
7 to hear what you have to say about EPA's  
8 proposal for the cleanup of this site, so this  
9 is your day. We're going to go through some  
10 preliminary information, and I'm going to set up  
11 some ground rules, some ideas on the best way to  
12 comment here. I'm going to give you just a  
13 little information on Environmental Justice as a  
14 result of the request that was made by the  
15 working group. And then Victor is going to talk  
16 to you about the proposal. And then we're going  
17 to take a short break and then get to your  
18 comments. We have a lot of people, so I'm  
19 probably going to cut my little presentation  
20 down way -- a lot.

21 I do have a handout out there, if  
22 you want more detail on the Environmental  
23 Justice part, but I don't really want to take up  
24 a lot of your time with that tonight. I'm even  
25 tempted to skip it, but we'll see what I decide

1 to do at the moment.

2 What we're doing here tonight is to  
3 put comments on the official record for the  
4 EPA's Record of Decision. And the record of  
5 decision is how EPA makes its final cleanup  
6 decision in the Superfund process. So all of  
7 your comments will actually be taken down by a  
8 court reporter and put into the record.

9 We have sign-up sheets out in the  
10 hallway for anyone who would like to make a  
11 comment at the microphone today. We ask that  
12 when you make your comment you speak slowly and  
13 clearly, unlike what I'm doing right now. We'd  
14 like you to state your name and spell it, so  
15 that they can get it correct in the record.

16 And if you start speaking too  
17 quickly, someone will be waving at you. So if  
18 you see someone waving, don't just wave back,  
19 but try to slow down a little bit. And I hate  
20 these microphones, I just can't get it quite  
21 right.

22 The comment period today will last  
23 until noon. The public comment period itself  
24 lasts till June 26. I wrote that down  
25 somewhere, and I don't know where. So you have

1     until June 26 to make comments that are on the  
2     record. We'd like you today to try to hold your  
3     comments to five minutes or so, since there's so  
4     many people here. We'd like to give you as much  
5     time as you need, but we do reserve the right to  
6     cut you off if you go on too long, or if we feel  
7     that we have a lot of people left on the list  
8     and not a whole lot of time left.

9                 If you're not able to make a comment  
10    here today or you can't say as much as you like,  
11    you still have the ability to make comments in  
12    any of the other ways that are available. And,  
13    essentially, those are -- I have notes here,  
14    really. The way you can make comments are: We  
15    have note cards out on the table here, so if you  
16    want to jot down a comment on the note card and  
17    leave it for us, it will go into the record. If  
18    anyone wants note cards right now, you can raise  
19    your hand, and we'll get you some right away.

20                We also have -- you can send in  
21    written comments on your own to EPA, there's an  
22    address in the proposed plans, which are also  
23    sitting out there. And in addition, we have a  
24    new way of making comments. You can now e-mail  
25    EPA comments that will go on the record. And

1 the address is VBI70@EPA.GOV, and that, too, is  
2 in the proposed plan. So there's lots of ways  
3 to get your comments in, and we really do want  
4 to hear from you.

5 Translation, I think most of you  
6 heard -- well, maybe in Spanish you heard, but  
7 we do have translation available for anyone who  
8 needs it. And if you want to comment and you're  
9 a Spanish speaker, we will bring someone up to  
10 the microphone to translate for you into the  
11 microphone, so the whole group can hear and  
12 understand what you're saying.

13 So those are the basics of the  
14 ground rules. And I am going to do just a real  
15 quick Environmental Justice overview.  
16 Environmental Justice is a program that tries to  
17 make up for the disproportionate impact of  
18 environmental factors in low income and minority  
19 neighborhoods. There's a recognition that  
20 historically folks in these neighborhoods really  
21 took the brunt of a lot of the environmental  
22 things that were going on, industry in the  
23 neighborhood, the highways coming through the  
24 neighborhood.

25 So Environmental Justice is an



1 effort to try to deal with some of that. Some  
2 of the things we've done up here in EJ, which is  
3 what we call it, because we have to have an  
4 acronym for everything, because we're EPA,  
5 another acronym, we've issued \$925,000 worth of  
6 grants to community groups in these  
7 neighborhoods to do different programs, to try  
8 to help the neighborhood.

9               We've also increased our enforcement  
10 efforts up here. We've inspected more than  
11 three times the number of facilitates in these  
12 neighborhoods than we have in the other states  
13 within the six-state region that we cover. When  
14 you look at Environmental Justice's communities  
15 within our region, it's a little less than three  
16 times. But still, we've really made an effort  
17 to make sure that those industries that are in  
18 your neighborhood are compliant with the  
19 standards.

20               What we've learned, that's not  
21 enough. They're in compliance, but we need to  
22 do more. One of the things that we've done is  
23 we've worked with Conoco as part of a penalty  
24 action, and instead of paying penalties into the  
25 treasury, basically, we have the money going

1 back into the community. Some of it went into  
2 the upgrading at the facility to reduce their  
3 pollution. But \$517,000 of that money went  
4 directly to groups in the community to help them  
5 to do more for their community. And the youth  
6 group here today was one of the recipients of  
7 some of that money, so this is a direct result.

8 Superfund has done some work here  
9 too, as you can tell. And they've tried to do a  
10 little bit more than what they do at other  
11 times. They did in 1999, the job training  
12 program, to teach people to work at the  
13 hazardous waste area. We've applied the money  
14 to try to get that to happen, to do more job  
15 training.

16 My notes are all screwed up. I'm  
17 just going to cut to the chase. You're going to  
18 hear more about the Superfund Cleanup and what's  
19 going on there. And I believe that the  
20 Environmental Justice program has really tried  
21 to work with your neighborhood and to do more  
22 and try to level the playing field a little bit,  
23 in essence, because of your proximity to our  
24 office. It's been easier for us to be here,  
25 because we've never had travel money to go

1 elsewhere. But we're trying to do more.  
2 There's a handout, out there, that talks in more  
3 detail about what we've done. But I'm not going  
4 to take a lot of your time in addition to this.  
5 And I'm just going to let Victor come up here  
6 and talk about the proposed plan.

7 MR. KETALLAPER: Thank you, Karen.  
8 And welcome everyone. It's great to see so many  
9 people here on Saturday morning. I'm going to  
10 give a brief overview of what EPA has done and  
11 where we are at today. In my presentation I'll  
12 discuss why EPA is proposing this cleanup  
13 action, the alternatives being considered for  
14 cleanup, and EPA's preferred cleanup  
15 alternative, and, finally, when cleanup is  
16 planning to begin.

17 First, a little bit of a background  
18 of the site here. EPA first became involved in  
19 the VB/I-70 project due to potential impacts  
20 from smelter emission on lead and arsenic in  
21 residential soils. These studies focussed on  
22 two smelters, which had historically operated in  
23 the area. The Argo smelter, located northwest  
24 of the intersection of I-25 and I-70, and the  
25 Omaha and Grant smelter, located near the Denver

1 Coliseum.

2 Both of these smelter facilities  
3 have been demolished. And you wouldn't know  
4 that they were there any longer. EPA believes  
5 that the soils in residential neighborhoods may  
6 pose a risk to human health. The action being  
7 proposed today are associated with risks that  
8 result in long-term exposure to residential  
9 soils. Yards that pose a risk to short-term  
10 exposure have already been addressed.

11 I want to show you on the map,  
12 generally, where the plant is located. We have  
13 Interstate-70 running through this map right  
14 here, and Interstate-25 right near. This is  
15 where the Argo smelter was, in this area. And  
16 the Grant and Omaha smelter was located here,  
17 near the Denver Coliseum. The plant includes  
18 the Cole neighborhood, Clayton, Swansea, and  
19 Elyria neighborhood, and a portion of the  
20 Globeville community.

21 The remaining part of Globeville,  
22 right here, was addressed under a separate  
23 cleanup, which was called the Globeville site,  
24 believe or it not, and that was cleaned up under  
25 the State of Colorado agreement with a company.

1 One small area that we're also looking at is  
2 this portion bounded by Downing Street, Blake  
3 Street, and about 34th Street, this area hasn't  
4 been sampled, and I believe it's part of the  
5 Curtis Park or Five Points' neighborhood.

6 EPA studies have identified two  
7 contaminants of concern at elevated levels in  
8 residential soil at this time, lead and arsenic.  
9 There is a potential for a human health impact  
10 resulting from exposure to lead and arsenic  
11 found at some of these properties.

12 Although, people may be exposed to  
13 lead and arsenic from a number of different  
14 sources, the Superfund program is only able to  
15 address the elevated levels of lead and arsenic  
16 found in soils.

17 A short summary of the human health  
18 concerns associated with these metals are:  
19 Excess exposure to lead can cause behavioral  
20 problems in young children, this is children  
21 from 0 to 6 years of age, can affect their  
22 ability to learn as well. Excess exposure to  
23 short-term and high concentration of arsenic can  
24 cause gastrointestinal problems such as nausea  
25 and vomiting, anemia, kidney and liver damage,

1 and impaired nerve function. Also, long-term  
2 exposure, such as 20 to 30 years, to excess  
3 arsenic levels could possibly cause skin,  
4 bladder, and lung cancers. So we're talking  
5 about some real serious potential health  
6 problems.

7 Last year EPA issued a proposed plan  
8 to clean up this site. At that time, EPA  
9 received extensive public comment, disagreeing  
10 with the proposed preferred cleanup alternative.  
11 The public asked for lower cleanup levels.  
12 Based on these comments, EPA revised the  
13 proposed plan and added a new alternative to be  
14 considered for the cleanup.

15 Since this new alternative was  
16 significantly different from the alternatives  
17 presented last year, it was necessary to present  
18 a revised proposal to the public and request  
19 public comment. This is why we're here today.  
20 And I will be discussing the revised proposal  
21 today.

22 Before I get into the details of the  
23 different cleanup alternatives proposed, I would  
24 like to discuss, first, the different  
25 technologies being considered for addressing the

1     lead and arsenic levels in soil. The first  
2     cleanup process we looked at was actual soil  
3     removal. In this case, we would remove  
4     12 inches of soil from residential yards,  
5     replace that soil, and try to put the yard back  
6     into a similar condition. That process would  
7     include, first, meeting with a homeowner,  
8     drawing up a plan on how the soil was going to  
9     be removed and what they would -- what their  
10    yard would look like when it's done.

11                 Next step would be to actually  
12    remove the soil, then replace the soil, and  
13    replace the landscaping. And we try to return  
14    the yard to the condition it was before EPA  
15    removed the soil in the first place. Of course,  
16    we can't return it to exactly the way it was.  
17    And we've also had some billing to offer some  
18    incentives to replace areas with mulch rather  
19    than blue grass, for instance, in areas, and do  
20    some minor landscaping adjustments.

21                 The next cleanup technology I want  
22    to talk about is what you've used -- what's  
23    called "soil tilling." In this case, we were  
24    looking particularly at the yards contaminated  
25    with lead only, where we would mix the top

1     6 inches of soil. The reason this would be  
2     effective was because primarily most of the  
3     contamination was found near the surface, and  
4     mixing would cause the contamination to be  
5     diluted. So what you would be exposed to is a  
6     lower level, a safer level. In addition, we'd  
7     being adding a phosphate, which would help bind  
8     the lead, and that would make the lead less  
9     accessible to human exposure.

10                    The last, I guess, technology we  
11     considered at the site was called the "community  
12     health program." As I said earlier, there's a  
13     number of sources of lead and arsenic that  
14     could -- people could be exposed to. The real  
15     emphasis of this health program is to address  
16     what those other sources might be, and if they  
17     are occurring in the home, refer them -- those  
18     homes to -- other programs can address those  
19     problems. One of the biggest problems, of  
20     course, would be lead exposure to lead paint.

21                    The other big portion of this  
22     program is to provide public education. This  
23     part of the program would be addressed at people  
24     to -- able to reduce their exposure of their  
25     risk prior to a cleanup occurring at their home.



1                   As you can see, the community health  
2   program includes education, to raise community  
3   awareness, testing to know if a child has been  
4   exposed to lead or arsenic, investigation and  
5   cleanup or referral. The cleanup that EPA and  
6   the Superfund program would be doing would be  
7   associated with soils. We can refer people to  
8   other programs that can address, for instance,  
9   lead-based paint.

10                  I also wanted to add, this community  
11   health program is kind of a unique aspect, and  
12   is one that we thought would really help this  
13   community understand their health concerns.

14                  Based on these three technologies,  
15   EPA developed a number of cleanup alternatives,  
16   which we have listed on this poster over here.  
17   At this point, we have six alternatives.  
18   Originally, last year, we proposed  
19   Alternatives 1 through 5. Each alternative has  
20   a different combination of cleanup technologies,  
21   which are -- the first column is soil tilling,  
22   second column is remove and replace soil, and  
23   the third column is the community health  
24   program.

25                  Another aspect of this different

1 alternative is the cleanup level. And this next  
2 column here is cleanup level in parts per  
3 million for lead, which means how many parts of  
4 lead per parts of soil, would be a cleanup  
5 level. The next is the cleanup level for parts  
6 per million for arsenic.

7 A good way to explain this is  
8 Alternative 1 and Alternative 5 kind of provide  
9 the most extreme cases. The first alternative  
10 is the no-action alternative, which basically  
11 means we do nothing. Under that -- that  
12 alternative requires the Superfund law as for  
13 comparison purposes.

14 Alternative 5 is the most aggressive  
15 cleanup alternative, and it costs  
16 \$61 million. This alternative, I guess,  
17 addresses the most extreme cases of lead  
18 exposure, in particular, we're looking at all  
19 the arsenic exposure to what we call a PICA  
20 behavior. PICA behavior is young children that  
21 tend to eat large quantities of soil. This is a  
22 very -- not very well understood behavior, and  
23 is not seen in the majority of children. It's  
24 also a concern that children eating large  
25 volumes of soils, that they're also getting

1 other things besides lead and arsenic that we  
2 should be concerned about. And by removing the  
3 soil, it doesn't address all their health  
4 concerns.

5 Alternative 2 is the only  
6 alternative we considered with soil tilling. In  
7 this case, we looked at soil tilling only in the  
8 yards that had lead contamination. That was  
9 because of Alternative 3, which has the same  
10 cleanup standard, and thus, leading to the same  
11 number of yards. As you can see, the cost of  
12 those alternatives -- Alternative 2 being 10.6  
13 million, and Alternative 3 being 11.1 million,  
14 are fairly similar. So we felt, based on --  
15 comparing these two alternatives, that soil  
16 removal and replacement was a much better  
17 approach to addressing this problem.

18 Alternative 4 looks at somewhat  
19 reduced levels of cleanup for arsenic, 540 for  
20 lead and 128 for arsenic, and it costs  
21 17.5 million. These are the concentrations that  
22 EPA proposed last year, and these are numbers  
23 that we felt were protective of human health in  
24 this neighborhood. However, due to public  
25 comment and concern, we reduced these levels to

1     400 for lead and 70 for arsenic.

2                   EPA proposed a new alternative,  
3     Alternative 6, which today is our preferred  
4     alternative, and based on your public comment, I  
5     believe, would be the alternative you choose to  
6     implement. The cost of that alternative is  
7     \$31.8 million. And we anticipate approximately  
8     853 yards in this neighborhood would need their  
9     soil to be removed and replaced in the  
10    alternative. This Alternative also includes a  
11    community health program, which will be  
12    implemented during the construction of this  
13    project.

14                  I'll just briefly go over what was  
15    included, again, in the preferred alternative,  
16    Alternative No. 6. Soil removal in all  
17    residential yards with lead greater than 400  
18    parts per million, and arsenic greater than 70  
19    parts per million. Yards will be returned, as  
20    close as possible, to the condition it was prior  
21    to the soil removal action. Excavated soil  
22    disposed -- will be disposed at an appropriate  
23    facility, such as a municipal land fill.

24                  We are also considering disposal of  
25    the soil at the ASARCO Globe Plant, this is

1 where the soils from the Globeville cleanup were  
2 placed. This alternative also includes a  
3 community health program, which will be  
4 implemented during the construction of the  
5 cleanup. I anticipate that the cleanup will  
6 occur over the next two to five years, depending  
7 on what funding levels we receive for this  
8 project.

9 To give some more details on project  
10 schedules, we are planning to begin cleanup of  
11 140 targeted homes, with higher lead and arsenic  
12 levels this summer. I anticipate work to begin  
13 sometime in August for that work. We're also  
14 testing the yards, ongoing, on a voluntary  
15 basis. We have a sign-up sheet, where you walk  
16 in, for those yards that people -- that haven't  
17 had their yards tested yet. If you had your  
18 yard tested and you don't know the results,  
19 please, again, sign up on the sheet and note  
20 that. And we can get back to you with your  
21 results. However, for a yard to be cleaned up,  
22 it needs to be tested. And, again, cleanup of  
23 this project will begin next summer to address  
24 all the yards with lead of 400 and arsenic of  
25 greater than 70. Thank you.

1 MS. KELLEN: Thank you, Victor.

2 We're going to take a quick ten-minute break.

3 And we'll start out back here at five minutes --

4 we'll go by this clock, we'll go at 11 o'clock

5 and get started. There's some refreshments out

6 there. There's a lot of government people, if

7 you have some questions or want some

8 clarification from Victor or anyone, feel free

9 to talk to them. But we'll come back at

10 11 o'clock and get started. I have the sign-up

11 list, right now, I think we have a big group

12 who's going to comment, so I think there will be

13 plenty of time, if anyone else wants to comment.

14 And I will call out and give you a chance, even

15 if you haven't signed up. Go ahead and grab

16 some refreshments and come back here around

17 11:00 and we'll get going promptly then. I

18 promise I'll be prompt this time.

19 (A break was taken from 10:51 a.m.

20 to 11:01 a.m.)

21 MS. KELLEN: We have a few people

22 signed up. And what I'm going to do is call

23 your name and then if you could approach. And

24 if I can remind you, please state your name and

25 spell it, so the court reporter can get it. And

1 then afterwards, if we have additional time and  
2 other people want to stand up, I'm pretty sure  
3 you're going to get that opportunity. So first  
4 off, I want to introduce Anthony Thomas.

5 MR. THOMAS: Good morning. My name  
6 is Anthony Thomas, A N T H O N Y, T H O M A S.  
7 I am a resident of the Clayton neighborhood  
8 since 1967. And I have been a member of CEASE  
9 for the last five years. First thing I would  
10 like to do is clarify a few things that Victor  
11 did not tell you. First of all, he mentioned  
12 two numbers, there were actually three. The  
13 third one is the Globe smelter, which is located  
14 in Globeville, approximately 51st Avenue to 55th  
15 Avenue, Sherman Street to Washington Street.  
16 That's where the smelter is presently located.

17 The Globe plant is the plant that  
18 contaminated Globeville, not only with arsenic  
19 and lead, but also with cadmium and zinc. And  
20 they had -- and because of that, there was a  
21 lawsuit, the State of Colorado and ASARCO fought  
22 over it in court for many years. And as a  
23 result, the Court issued a decree that ASARCO  
24 and the State had to keep testing until a clean  
25 block was found. That's how come this area,

1 Elyeria/Swansea, became a part of this Superfund  
2 site.

3 Now, if the EPA plans on testing any  
4 further or not, but if they do not plan on  
5 testing any further, I feel it is my  
6 responsibility to go over into the other  
7 neighborhoods and let them know of the court's  
8 decision. And as far as Environmental Justice  
9 goes, I feel we still have a very long way to go  
10 to environmental justice. I am willing to say  
11 some steps have been made, but we still have a  
12 long, long way to go.

13 I also would like to say that as a  
14 member of CEASE, we do support Alternative  
15 No. 6. I would also like to thank every person  
16 who did write a letter in CEASE's opposal(sic)  
17 last year to have the alternative changed.  
18 Because I feel that if the EPA had their way,  
19 all they would do would be either Alternative  
20 No. 1, which is nothing, or come in here and  
21 till the doggone soil. Why, because we are a  
22 people of color.

23 If this was Cherry Hills, I mean,  
24 this wouldn't happen. It would have been over  
25 with, they would have gotten what they wanted,



1 and everything would have been fine. I know the  
2 EPA is disagreeing with me, but I am exercising  
3 my rights to say how I feel.

4 I also feel that the health plan  
5 that the EPA has proposed is a wonderful idea,  
6 but we have no details on it. CEASE is willing  
7 to work on it, and we welcome anyone from the  
8 community or any community group who is willing  
9 to work on this thing with us. And it's going  
10 to take time.

11 What the EPA also did not tell you,  
12 they told you when they planned on starting the  
13 soil removal, they didn't tell you how long it's  
14 going to take. It may take 10, 12, maybe even  
15 longer years. I'd also like to say this too, I  
16 think the removal we've got is as a good removal  
17 as what we could get, because it's very  
18 similar -- close to what Globeville got. But  
19 there are sites, right here in the City of  
20 Denver, that don't have people living on it that  
21 has been cleaned to a much, much lower level.  
22 Thank you.

23 MS. KELLEN: Thank you, Anthony.  
24 Next up is Scott Parsons.

25 MR. PARSONS: Good morning,

1 everyone. My name a Scott Parsons, S C O T T,  
2 P A R S O N S. I'm sure I come before you this  
3 morning like many of us here, we're just  
4 concerned about our health, our family's health,  
5 wive's, children, pet's. I'm a new husband.  
6 I'm a fairly recent new neighbor to many of you.  
7 I moved into Cole a year and a half ago. It was  
8 my first home purchase. And it was a home where  
9 I thought I would be raising -- beginning to  
10 raise a family.

11 And it wasn't until I was digging  
12 out my foundation to seal it up that a neighbor  
13 came by and told me the dirt was contaminated.  
14 Four of my five neighbors bought homes in Cole  
15 in the last three or so years. None of us had  
16 the EPA Superfund disclosed to us before we  
17 bought these purchases.

18 My first comment would be to  
19 encourage the EPA of future Superfund sites to  
20 attach something at the clerk and recorder's  
21 office, so that the properties are known as  
22 Superfund sites. But apart from that, we have  
23 the situation, and I want to stay in my home,  
24 but I want it to be safe.

25 And there's been recommendations a

1 year ago at a 500 level for lead -- 500 parts  
2 per million, and we were told below that would  
3 be safe, but then -- now we're told this year  
4 that it's 400, and below 400 will be safe. And  
5 then the US Agency for Toxic Substances and  
6 Disease Control out of Atlanta has concerns that  
7 some levels down to 280 will still be harmful to  
8 children, so then they're saying, You won't be  
9 safe until it's down to 280.

10 So I'm still a little bit concerned  
11 -- I still don't know how or when I will be  
12 safe, and I want my home to be safe. And my  
13 levels in my home tested just below 400. I'm 17  
14 parts per million below the cleanup level. And  
15 that's my concern, is when they did the spot  
16 testing around the yard, there were some levels  
17 that exceeded 500. But it's just a mathematical  
18 or bureaucratic thing to take an average and  
19 then come out at 383 something. I don't know  
20 which parts of my yard are safe and which parts  
21 are not. Can I only go to the left side of my  
22 front yard, and I can't go around the right  
23 side, so what am I supposed to do.

24 But I don't want to just come here  
25 with just questions and criticisms before you.

1 I want to suggest that perhaps there's a way of  
2 offering -- I know you guys think these levels  
3 are safe. But I know there's a site in Utah  
4 that they cleaned up 200 parts per million, and  
5 those people are safe at 200, but we're going to  
6 be safe at 400.

7 Why not offer some middle ground,  
8 maybe have 300 to 400, 200 to 400, 350 to 400  
9 parts per million, where it would be optional to  
10 the home owners to have their lawns replaced, so  
11 that you don't disenfranchise 1,300 households  
12 at that 400 level, instead of -- if you're not  
13 going to go with Plan 5, why not make it  
14 optional that there's some range, because  
15 scientists don't speak in cut-off points, they  
16 speak in ranges. Why not have a range where it  
17 would be optional for homeowners to have their  
18 homes cleaned up somewhere, you know, below some  
19 cut-off. So that way you're not alienating half  
20 the neighborhood. And that's my suggestion and  
21 comments. Thank you.

22 MS. KELLEN: Thank you, Scott. I  
23 now have a group comment from the Clayton Cole  
24 Healthy Children Partnership. I think we're  
25 going to have a big group come and introduce

1 themselves and make a comment. Come on up.

2 There's a lot more than that that put their  
3 names on the list.

4 MR. MENDEZ: Well, I just want to  
5 say good morning to everyone. My name is Jesus  
6 Mendez.

7 MS. KELLAN: I know it's going to  
8 take awhile, but if you could spell your names,  
9 so that the court reporter gets it.

10 MR. MENDEZ: J E S U S, M E N D E Z.  
11 Basically, I'm a young intern and from the  
12 Clayton neighborhood and in association with  
13 Healthy Children Partnership. And I'm 20 years  
14 old, and I attend Fort Lewis College.

15 MR. BAYAN: And my name is Amalio  
16 Bayan, A M A L I O, last name, B A Y A N. I'm  
17 also a young intern as Jesus Mendez. And these  
18 people in back of me are the young advocates and  
19 young interns. We're part of the Healthy  
20 Alternative Partnership. I'm a sophomore at the  
21 Metropolitan State College of Denver, and I'm  
22 18.

23 MR. GUERRERO: Hi, everybody. My  
24 name is Ricardo Guerrero, R I C A R D O,  
25 G U E R R E R O. And I'm also -- I'm 19 years

1 old, and I'm a member of the Healthy Children's  
2 Partnership. And this is going to be my second  
3 year in the Community College of Denver. And I  
4 live in the community of Cole.

5 MS. KIEL: Hello, my name is  
6 Nefertiti Kiel, N E F E R T I T I, K I E L. I'm  
7 20 years old. And I'm also from the Healthy  
8 Children's Partnership, the Cole/Clayton  
9 Association. I'm 20 years old. I attended  
10 60CD, pretty soon I'm going to the Air Force.

11 MR. WAHESIDE: Hi, my name is  
12 Michael Waheside, M I C H A E L,  
13 W A H E S I D E. I'm with the Healthy  
14 Children's Partnership. I go to East High  
15 School, I'm a junior, and I'm 16 years old.

16 MS. CASTILLE: Hi, my is Victoria  
17 Castille, V I C T O R I A, C A S T I L L E. And  
18 I'm 13 years old, and I attend Bruce Randolph  
19 Middle School.

20 MS. BAYAN: Hi, my name is Brisa  
21 Bayan, B R I S A, B A Y A N. I'm a young  
22 advocate with Healthy Children's Partnership.  
23 I'm a 16-year-old junior at Manual High School.

24 MS. JUSCH: My name is Jasmine,  
25 J A S M I N E, J U S C H. I'm 13. And I attend

1 the Healthy Children's Partnership.

2 MS. JANETTE: Hi, my name is  
3 Janette, J A N E T T E. I attend Manual High  
4 School. I'm a junior. I'm 16 years old. And  
5 I'm part of the Healthy Children's Partnership.

6 MS. KELKEY: Hi, my name is  
7 Kian(phonetic) Kelkey(phonetic). And I attend  
8 Bruce Randolph Middle School.

9 MR. HOPE: Hi, my name is Dominique  
10 Hope, D O M I N I Q U E. I'm a young advocate  
11 in the Healthy Children's Cole Neighborhood  
12 Partnership.

13 MS. MENDEZ: Hello, my name is Liset  
14 Mendez, L I S E T, M E N D E Z. And I'm from  
15 the Clayton Neighborhood Association and working  
16 with the Healthy Children's Partnership. And  
17 I'm 17, and I go to Manual High School.

18 MR. BEASOUI: Hi, name is Joshua  
19 Beasoui, J O S H U A, B E A S O U I. I'm  
20 17 years old, go to East High School. I'm in  
21 the Cole neighborhood, and I'm part of the  
22 Healthy Children's Partnership.

23 MR. MENDEZ: Hi, my name is Vicentio  
24 Mendez, V I C E N T I O, M E N D E Z. I'm from  
25 the Clayton neighborhood, and I'm 14 years old.

1 And I'm still working for the Healthy Children's  
2 Partnership.

3 MS. VASQUEZ: My name is Marisol  
4 Vasquez, M A R I S O L, V A S Q U E Z. And I'm  
5 16 years old. I'm a sophomore at Manual High  
6 School. That's located at 29 Williams. And I  
7 work with the Cole Association.

8 MR. BAYAN: Hi, my name is Irving  
9 Bayan, I R V I N G, B A Y A N. I'm 12 years  
10 old. I'm in the 7th grade. I go to Bruce  
11 Randolph Middle School. I'm a youth advocate,  
12 and I'm working with the Healthy Children's  
13 Partnership.

14 MS. HOPE: Hi, name is Jordan Hope,  
15 that's J O R D A N, H O P E. And I'm working  
16 with the Healthy Children's Partnership. And I  
17 go to Manual, and I'm a young advocate.

18 MR. JACKSON: My name is Euzard  
19 Jackson, E U Z A R D, J A C K S O N. I'm a  
20 sophomore at Thomas Jefferson High School, and  
21 I'm with the Healthy Children's Partnership, and  
22 I'm with the Cole Neighborhood Association.

23 MR. MORAN: Hi, my name is Ira  
24 Moran, I R A, M O R A N. I'm a young advocate  
25 working with the Healthy Children's Partnership.



1 I attend TJ. I'm a sophomore, and I'm 15 years  
2 old.

3 MR. KIEL: Hello, name is  
4 Christopher Kiel, C H R I S T O P H E R,  
5 K I E L. And I'm a freshman, and I'm going to  
6 Thomas Jefferson. And part of the Healthy  
7 Children's Partnership.

8 MS. GONZALEZ: My name is Paloma  
9 Gonzalez, P A L O M A, G O N Z A L E Z. And I'm  
10 13 years old. I'm going to be a freshman at  
11 Westwood High School. And I'm a young advocate,  
12 part of the Healthy Children's Project.

13 MR. BROWN: Hi, my name is Angelo  
14 Brown. I'm 12 years old, and I'm attending  
15 Bruce Randolph Middle School.

16 MR. BRIAN: My name is Dominique  
17 Brian, D O M I N I Q U E, B R I A N. And I'm  
18 going to be a freshman at George High School.

19 MR. MENDEZ: As a group, our job is  
20 to inform the neighborhood about the many  
21 hazards and the effects these hazards have in  
22 our community. As a young intern, we are also  
23 trying to become lead investigators. As lead  
24 investigators we check houses for hazards that  
25 affect children, especially those children under

1 six.

2 This is why we are here, to get our  
3 neighborhood cleaned up and so we won't have  
4 further problems in the future. I want to thank  
5 you for your time, and for giving us young  
6 people the opportunity to speak. Thank you.

7 MS. KELLEN: Thank you very much.  
8 And the next speaker is Beverly Lumumba.

9 MS. LUMUMBA: Good morning. My name  
10 is Beverly Lumumba, B E V E R L Y, Lumumba,  
11 L U M U M B A. And I am the current president  
12 of the Clayton Neighborhood Association. I have  
13 25 years in the Clayton community. I have  
14 30 years as an educator. And I am the volunteer  
15 coordinator of the Healthy Children's  
16 Partnership. And if you could please just join  
17 me and give a hand to these young people who  
18 came today to express themselves.

19 (Applause.)

20 MS. LUMUMBA: And I'll be very  
21 brief. Our -- we're concerned about our  
22 children. We're concerned about their health,  
23 their safety, their future. It's essential that  
24 we act as a community, as a people, that we  
25 unite to address these issues. I am a mother.

1 I'm a mother of two sons. And I can't imagine  
2 the pain of children and the impact that these  
3 issues have on children.

4 So I share with you today, as  
5 sincerely as I possibly can, that the solutions  
6 that are being proposed, specifically the  
7 community health program, we are very interested  
8 in supporting. We're interested in working with  
9 CEASE. We applaud Joan Hooker, Anthony Thomas,  
10 both residents of the Clayton neighborhood, for  
11 their work for CEASE. We applaud Gloria Scherer  
12 of the Cole neighborhood for their dedication to  
13 CEASE.

14 Our bottom line is that we want our  
15 children to have a future that is productive,  
16 that is prosperous, that lives the American  
17 dream as fully as any child in America would  
18 realize that dream. We want that for our  
19 children. And as I close, the 30 years in  
20 education have shown me so many consequences of  
21 this plight.

22 It wasn't earmarked in the classroom  
23 as a sequence of lead and arsenic poisoning, but  
24 the behaviors were so abnormal, outrageous, and  
25 so, quote, dysfunctional. And the fact that we

1 live in a community that has the highest  
2 concentration of failing schools in the state,  
3 that in itself should call our attention to this  
4 issue. It is an issue. It's a major issue.

5 Again, I thank you. I thank you  
6 for this opportunity for the community to speak.  
7 Thank you for this opportunity for the children  
8 to speak. And thank you, Karen, for your  
9 support of the Healthy Children's Partnership.

10 MS. KELLEN: Thank you, Beverly. We  
11 have plenty of time if anyone else would like to  
12 approach the microphone. Those are all the  
13 names from the list. All I ask is, if you  
14 haven't signed up, state your name, spell it,  
15 then also give your address, so that we have  
16 that for the record as well.

17 MS. HOOKER: Joan Hooker, 3228  
18 Josephine Street. I'm a part of CEASE  
19 Organization and have been with Clayton since  
20 1995. I am also very close to my community.  
21 And from the very beginning of the site,  
22 Superfund site, information, I've been  
23 aggressive in the help of the community, with  
24 our children and then with the adults.

25 I think the longer you stay here,

1 you might eventually develop a health problem.  
2 So I've always wanted to do something about the  
3 health. I'm just asking and begging parents, do  
4 all you can to keep your children healthy. We  
5 had a little thing on our block where we passed  
6 out hygiene products from the grant that I  
7 received to all of the families on our block. I  
8 think there was 30 families.

9 We also were blessed with a  
10 scientist and a doctor, children's doctor, who  
11 helped me select the products to give to the  
12 children. To make sure that they're bathed  
13 before they go to bed, brush their teeth, do all  
14 of the good healthy things to keep them healthy  
15 until this is settled. It is very, very  
16 serious.

17 I also worked for Denver Public  
18 Schools for years, and wondered where all of  
19 this specialty material was coming from. So  
20 please keep our children healthy. I work with  
21 AIT, with Margaret also, from Boulder. I'm so  
22 happy that Beverly and her sister, Sandy, got  
23 the group together, so that these children can  
24 follow us and help us and also learn about how  
25 important it is to be leaders in our community.

1 MS. KELLEN: Thank you, Joan.

2 MR. CHAPMAN: My name is John  
3 Chapman, J O H N, C H A P M A N. I am a  
4 resident of Clayton and a member of the  
5 association. We're talking about the future and  
6 about the children, which is very important.  
7 But my concern is: What about the people who  
8 have been residents of this area for many years.  
9 And this is long before the EPA said anything  
10 about the contamination that's in the soil.

11 What about the children who are now  
12 grown, who was born and raised in this area,  
13 what effect has been -- has it had on them. A  
14 lot of us sometimes come up with things that has  
15 happened to them healthwise, and they don't  
16 really know what it is. The doctors that they  
17 have are not aware of this EPA, and we are  
18 located residentially. What about the people  
19 now who have sicknesses, that has been developed  
20 in the family and themselves, don't even know  
21 what it is. This is a very serious thing.

22 And from what I have heard so far  
23 this morning, it seems that it's not being taken  
24 as seriously as it really is. I have friends  
25 and neighbors in this area, and some of them

1 have come down with different illnesses and  
2 things. A doctor don't know everything. All  
3 you can say is you have certain things that has  
4 gone wrong with you, you don't know what they  
5 are. So I hope that whoever is in charge of  
6 this cleanup and whatever, takes this seriously  
7 as those of us who live in this area and have  
8 lived for a long time, because without health  
9 everything is lost. Thank you.

10 MS. KELLEN: Thank you very much.  
11 Anyone else? We still have lots of time.

12 MR. PIERCE: My name is Dan Pierce.  
13 I live at 38th and Cook Street. That's D A N,  
14 P I E R C E. I didn't plan on having anything  
15 to say. But first of all, I want to say it's  
16 very encouraging to see that the government and  
17 others in the community are at least doing  
18 something about the environment, to improvement  
19 it. And that's very important in my mind, in my  
20 heart.

21 I enjoyed what our second speaker  
22 had to say about possibly -- thinking about  
23 having some kind of a middle ground. And  
24 another thing I would like you to kind of  
25 propose is instead of looking at areas -- and I

1 don't know if this is just something you can't  
2 look at, is individual lot. But let's say we  
3 have a block or a side of the street that has --  
4 50 percent have qualifications for fund levels,  
5 why not just do the whole block. Because those  
6 children are going to go from house to house,  
7 they're going to spread around.

8               Second of all, I don't think the  
9 cost would be that much greater, if it were  
10 scheduled right. I know, like, if you were  
11 doing landscaping -- if you could do a whole  
12 block of lawns, the cost is -- to the man doing  
13 it, is very little. But if you have to come in  
14 and do one lawn here and one lawn there, another  
15 lawn another day, the travel time, the set-up  
16 time all adds up. Whereas, if you could just go  
17 one house down the whole block, the set-up time,  
18 the travel time, a lot of things, would go away  
19 from house to house, as you do that. So I would  
20 like to kind of propose that you look at areas  
21 as a block or half block, and if there's a level  
22 of houses that require a cleanup, why not just  
23 do the whole thing.

24               MS. KELLEN: Thank you, very much.  
25 Anyone else? I guess I can let you go early.



1 Anthony, would you like to say something else?

2 MR. THOMAS: Yes, I would, please.

3 Again, my name is Anthony, my address is  
4 3966 Adams. In response to what Brother Chapman  
5 said, I would like to say this: This area  
6 around here and the state know and the EPA knows  
7 and the federal government knows, we have a  
8 higher rate of cancer than in any other part of  
9 the city. I'm not saying that all of it is from  
10 the contamination.

11 There are a lot of plants in this  
12 area. I mean, we've got Denver waste water,  
13 we've got the Public Service Company. So  
14 there's a lot of things that does contribute to  
15 the cancer. The highway, that contributes. And  
16 something that you haven't heard, there's a  
17 private company now that wants to come in and  
18 put another layer on top of I-70 through the  
19 neighborhood, a double decker. I mean, that's  
20 just going to put more noise.

21 I mean, the noise that is being  
22 heard in Swansea, it's going to be heard all the  
23 way now -- I don't know, City Park maybe. It's  
24 going to be quite noisy and quite polluting.  
25 And there's going to be a great cloud just

1 floating from that thing.

2 Also, under Superfund, it is my  
3 understanding that the EPA also will do some  
4 exterior lead abatement; is that right? Maybe  
5 under in Superfund. I believe it's being looked  
6 at. But, you know -- and that's why I said, if  
7 you have not had your home tested, please,  
8 please, get it tested. If not for you, for the  
9 children in your block, for your grandchildren,  
10 for your next door neighbor's grandchildren.

11 A lot of people I know, I have spoke  
12 to, especially the elderly, don't want to get  
13 their lawns tested, because they think that the  
14 government is trying to take it away from you.  
15 They're not. Now, back in the '30s, '40s, it  
16 might have been. From what I've heard, the  
17 government was doing that. It's not going to  
18 happen. Because I know of homes who had  
19 excessively high levels, and what the EPA done,  
20 they went in there and they cleaned them up  
21 immediately, just to make it safe. So anybody  
22 who hasn't had their stuff test -- a lot of  
23 people know me, you know I wouldn't lie to you.  
24 Just please, get yourself tested. Thank you.

25 MS. KELLEN: Thank you, Anthony.

1                   MR. MENDEZ: Jesus Mendez,  
2   J E S U S, M E N D E Z. My address is  
3   3435 Fillmore. And basically, I'm just trying  
4   to reflect and trying to get all the thoughts  
5   and all the ideas of everyone. And basically,  
6   what I was thinking is, me, as a minority and  
7   living in this community, it's kind of hard to  
8   succeed. And now finding out that there's lead  
9   in the soil, it just kind of makes me think. We  
10   have a hard enough time trying to succeed with  
11   all the gangs, the drugs, and all that, then  
12   there's something else on top of that.

13                  And I don't know, it's just --  
14   everyone labels us as being lazy or -- you know,  
15   because of our race or whatnot, but now that you  
16   really think about it, it's like, there's a lot  
17   of things we just don't know. Even the parents  
18   -- you know, if you grew up in this  
19   neighborhood, and he's not fully there mentally,  
20   because of brain damage because of lead, he's  
21   going to influence his child, then if his child  
22   is not all there -- so it just kind of creates a  
23   chain reaction. Just a little pebble can start  
24   a big, massive ring of water, and it continues  
25   growing and growing. So it's like, we have a

1     problem and we should stop it before it  
2     continues to grow. So it's just like -- I don't  
3     know. We should all get together, and one  
4     person can tell another person, so we can start  
5     a positive chain reaction, to alter the negative  
6     one. Thank you.

7                     MS. KELLEN: Thank you very much.  
8     There's still time if anybody wants to stand up.

9                     AUDIENCE MEMBER: Can you answer --

10                    MS. KELLEN: We're not able to  
11     respond to your questions right now, but you can  
12     grab one of the government people around the  
13     room. Sorry. Anyone else? Going once, going  
14     twice.

15                    Thank you so much for coming out. I  
16     really love having a big group like this. There  
17     will be government people around. There's time,  
18     if you have questions. Please feel free to grab  
19     somebody and get some answers. Thank you.

20                    WHEREUPON, the within proceedings  
21     were concluded at the approximate hour of  
22     11:34 a.m. on June 21, 2003.

23

24

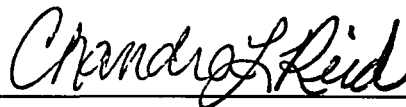
25

C E R T I F I C A T I O N

I, Chandra L. Reid, Professional  
Reporter, certify that on June 21, 2003, the  
above proceedings were had; then reduced to  
typewritten form, by means of computer-aided  
transcription.

I further certify that I am not  
related to any party herein or their counsel and  
have no interest in the result of this matter

IN WITNESS WHEREOF, I have hereunto  
set my hand on July 7, 2003.



Chandra L. Reid  
Professional Reporter

Proofread by: C. Hettinger

1     ESQUIRE DEPOSITION SERVICES  
Registered Professional Reporters  
2     3400 East Bayaud Avenue, Suite 480  
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3     303-316-0330  
4     July 7, 2003  
5     Karen S. Kellen, Coordinator  
Northeast Denver Environmental Initiative  
6     Environmental Justice Program  
U.S. Environmental Protections Agency  
7     Suite 300  
999 8th Street  
8     Denver, Colorado 80202  
9     Re: Vasquez Boulevard/Interstate-70  
Public Meeting

10    Date of Public Meeting: June 21, 2003

11

Enclosed is the above original transcript. The  
12 transcript may be filed at this time.

13    XX signature not required

14    \_\_\_\_\_ sent via UPS

15    \_\_\_\_\_ hand-delivered by

16    Sincerely,

17    ESQUIRE DEPOSITION SERVICES

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